

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

Sterling Bank and Trust, F.S.B.  
AND Sterling Bancorp, Inc.,

Plaintiffs,

v.

Scott Seligman,

Defendant,

and

K.I.S.S. Dynasty Trust No. 9, Scott J.  
Seligman 1993 Long Term Irrevocable  
Dynasty Trust, Scott J. Seligman 1993  
Irrevocable Dynasty Trust, Scott J. Seligman  
Revocable Living Trust, Joshua James  
Seligman Irrevocable Trust No. 1, Seligman  
Family Foundation, 311 California LP/tax  
Kiss LP CO, Presidential Aviation, Inc., SM  
Farthington, LTD LLC, Seligman &  
Associates, Inc., AND Seligman  
Administrative Office

Nominal  
Defendants.

Civil Action No. 2:22-cv-12398

Hon. Sean F. Cox

**STIPULATED ORDER REGARDING SERVICE OF ALL DEFENDANTS  
AND RESPONSE-RELATED DEADLINES**

WHEREAS, on October 7, 2022, Plaintiffs Sterling Bank and Trust, F.S.B. (the “Bank”) and Sterling Bancorp, Inc. (the “Holding Company” and together with the Bank, “Plaintiffs” or “Sterling”), filed this civil action against Defendant Scott

Seligman (“Defendant” or “Seligman”) and Nominal Defendants K.I.S.S. Dynasty Trust No. 9, Scott J. Seligman 1993 Long Term Irrevocable Dynasty Trust, Scott J. Seligman 1993 Irrevocable Dynasty Trust, Scott J. Seligman Revocable Living Trust, Joshua James Seligman Irrevocable Trust No. 1, Seligman Family Foundation, 311 California LP/tax Kiss LP CO, Presidential Aviation, Inc., SM Farthington, LTD LLC, Seligman & Associates, Inc., and Seligman Administrative Office (together, “Nominal Defendants”):

WHEREAS, on October 15, 2022, counsel for Seligman and Nominal Defendants Scott J. Seligman Revocable Living Trust, Seligman Family Foundation, 311 California LP/tax Kiss LP CO, Presidential Aviation, Inc., Seligman & Associates, Inc., and Seligman Administrative Office accepted service of the Complaint and agreed to dispense with service formalities;

WHEREAS, on November 9, 2022, counsel for Seligman also accepted service of the Complaint and agreed to dispense with service formalities on behalf of Nominal Defendant SM Farthington, LTD LLC;

WHEREAS, on November 11, 2022, counsel for Nominal Defendants K.I.S.S. Dynasty Trust No. 9, Scott J. Seligman 1993 Long Term Irrevocable Dynasty Trust, Scott J. Seligman 1993 Irrevocable Dynasty Trust, and Joshua James Seligman Irrevocable Trust No. 1 accepted service of the Complaint and agreed to dispense with service formalities;

WHEREAS, the parties agree that proper service of Sterling's Complaint has been made on Defendant and Nominal Defendants;

WHEREAS, pursuant to Federal Rule of Civil Procedure 4, the waiver of service forms Sterling sent to counsel for Defendant and Nominal Defendants, and the correspondence between the parties, Seligman's deadline to answer or otherwise respond to Sterling's Complaint is currently December 6, 2022; Nominal Defendants Scott J. Seligman Revocable Living Trust, Seligman Family Foundation, 311 California LP/tax Kiss LP CO, Presidential Aviation, Inc., Seligman & Associates, Inc., and Seligman Administrative Office currently have a deadline of December 29, 2022; Nominal Defendant SM Farthington, LTD LLC currently has a deadline of January 9, 2023; and Nominal Defendants K.I.S.S. Dynasty Trust No. 9, Scott J. Seligman 1993 Long Term Irrevocable Dynasty Trust, Scott J. Seligman 1993 Irrevocable Dynasty Trust, and Joshua James Seligman Irrevocable Trust No. 1 currently have a deadline of January 10, 2023;

WHEREAS, due to the intervening Thanksgiving, Christmas, and New Years holidays, other scheduling issues, and in the interest of setting a uniform response deadline, the parties have agreed upon and requested an adjustment of those deadlines as well as the briefing deadlines if Defendant and/or Nominal Defendants move to dismiss or otherwise respond in a manner other than Answering the Complaint as their initial pleading;

NOW THEREFORE, upon the parties' stipulation, IT IS HEREBY ORDERED that the deadline for Defendant and Nominal Defendants to Answer or otherwise respond to Sterling's Complaint is January 13, 2023. If Defendant and/or Nominal Defendant move to dismiss or otherwise respond to the Complaint in a manner other than filing an Answer as their initial pleading, the deadline for Plaintiffs' brief in response is February 24, 2023, and the deadline for any reply brief for Defendant and/or Nominal Defendants is March 24, 2023.

IT IS SO STIPULATED this 18th day of November 2022.

By: /s/ Matthew J. Lund

Robert S. Hertzberg (P30261)  
Matthew J. Lund (P48632)  
Troutman Pepper Hamilton  
Sanders LLP  
4000 Town Center  
Suite 1800  
Southfield, MI 48075  
Telephone: 248-359-7370  
Email:  
robert.hertzberg@troutman.com  
matthew.lund@troutman.com

David B. Bergman  
Jayce L. Born  
Arnold & Porter Kaye Scholer  
LLP  
601 Massachusetts Ave. NW  
Washington, DC 20001  
Telephone: 202-942-5000  
Email:  
david.bergman@arnoldporter.com

By: /s/ Jeffrey B. Morganroth

Jeffrey B. Morganroth (P41670)  
Morganroth & Morganroth, PLLC  
344 North Old Woodward Avenue  
Suite 200  
Birmingham, Michigan 48009-5310  
Tel: 248-864-4000  
Email:  
JMorganroth@morganrothlaw.com

Michael R. Smith  
Benjamin Lee  
King & Spalding LLP  
1180 Peachtree Street, N.E.  
Tel: 404-572-4600  
Email:  
mrsmith@kslaw.com  
blee@kslaw.com

*Counsel for Defendants Scott Seligman,  
Scott J. Seligman Revocable Living Trust,  
Seligman Family Foundation, Presidential*

jayce.born@arnoldporter.com

Oscar Ramallo  
Arnold & Porter Kaye Scholer  
LLP  
777 South Figueroa Street, 44th  
Floor  
Los Angeles, CA 90017-5844  
Telephone: 213-243-4000  
Email:  
oscar.ramallo@arnoldporter.com

*Counsel for Plaintiffs Sterling Bank  
and Trust, F.S.B. and Sterling  
Bancorp, Inc.*

*Aviation, Inc., 311 California LP/tax Kiss  
LP CO, SM Farthington LTD LLC,  
Seligman & Associates, Inc., and Seligman  
Administrative Office*

/s/ Justin P. Bagdady  
Justin P. Bagdady (P79764)  
BODMAN PLC  
201 S. Division Street, Suite 400  
Ann Arbor, MI 48104  
Telephone: 734-930-2727  
jbagdady@bodmanlaw.com

*Counsel for Nominal Defendants K.I.S.S.  
Dynasty Trust No. 9, Scott J. Seligman 1993  
Long Term Irrevocable Dynasty Trust,  
Scott J. Seligman 1993 Irrevocable Dynasty  
Trust, and Joshua James Seligman  
Irrevocable Trust No. 1*

IT IS SO ORDERED.

Dated: November 22, 2022

s/Sean F. Cox  
Sean F. Cox  
U. S. District Judge